

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KYKO GLOBAL INC, et al.,

Plaintiffs,

v.

PRITHVI INFORMATION SOLUTIONS
LTD, et al.,

Defendants.

CASE NO. C13-1034 MJP

ORDER DENYING MOTIONS TO
AMEND ANSWERS WITHOUT
PREJUDICE

THIS MATTER comes before the Court on Defendants' Motions to Amend their Answers. (Dkt. Nos. 305, 306.) Having reviewed the Parties' briefing and all related papers, the Court DENIES the motions without prejudice.

Through their motions, Defendants seek to clarify their answers to Plaintiffs' complaint and to assert affirmative defenses and counterclaims that "reflect issues actually litigated before this Court." (Dkt. Nos. 305 at 2, 306 at 2.) Neither the substance nor the numbering of the arguments presented by Defendants in their briefs, however, appear to match the proposed answers submitted. (Compare Dkt. Nos. 305-1 at 10, 307-1 at 11-12, with 305 at 6-7, 306 at 7-

12.) The Court is currently unable to determine the factual bases or legal theories behind the proposed amendments, and therefore is unable to determine whether amendment is appropriate.

This confusion is compounded by the fact that several proposed affirmative defenses and counterclaims appear to conflict with previous orders issued by the Court, or to be based on a misreading of those orders. For example, proposed affirmative defense K by the partial Vuppalapati Defendants, which asserts that the adversary proceeding was “improperly commenced and should be dismissed as duplicative,” appears to conflict with this Court’s Order on Defendants’ Motion for Summary Judgment, in which the Court rejected a seemingly identical argument and declined to dismiss the adversary proceeding. (See Dkt. No. 297 at 3-6.) Defendant International Business Solutions, Inc.’s proposed affirmative defenses G and H appear to conflict with the same portion of this Court’s prior order. (Id.) The partial Vuppalapati Defendants’ proposed affirmative defense L appears to be asserted by Anandhan Jayaraman in his individual capacity; however, the Court’s previous orders make clear that Mr. Jayaraman, individually, is not a party to this suit. (See Dkt. No. 297 at 6-7.) Proposed affirmative defense J and counterclaims A and B appear to be based on Defendants’ misunderstanding that the Court found the confessions of judgment to be “not final,” a misreading the Court has already addressed. (See Dkt. No. 313.)

The Court advises Defendants that a motion to amend cannot be used to relitigate the Court’s conclusions in its Order on Defendants’ Motion for Summary Judgment. However, because the Court is currently unable to determine what argument supports these proposed affirmative defenses and counterclaims, the Court is unable to conclude that they are barred.

Accordingly, the Court DENIES Defendants’ Motions without prejudice. (Dkt. Nos. 305, 306.) Defendants are granted leave to file renewed motion(s) to amend within **seven (7) days** of

1 the date of this order that make clear which specific arguments support which specific proposed
2 amendments. The motion(s) must use a clear numbering system that is consistent with the
3 proposed answers submitted.

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5 The clerk is ordered to provide copies of this order to all counsel.

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7 Dated this 8th day of October, 2015.

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11 Marsha J. Pechman
12 Chief United States District Judge
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